

Senate Amendment 3398

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1 1 Amend House File 641, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 321.210A, Code 2007, is
1 6 amended by adding the following new subsection:
1 7 NEW SUBSECTION. 4. If after suspension, the
1 8 person enters into an installment agreement with the
1 9 county attorney or county attorney's designee in
1 10 accordance with section 321.210B to pay the fine,
1 11 penalty, court cost, or surcharge, the person's
1 12 license shall be reinstated by the department upon
1 13 receipt of a report of an executed installment
1 14 agreement.
1 15 Sec. 2. NEW SECTION. 321.210B INSTALLMENT
1 16 AGREEMENT.
1 17 1. If a person's fine, penalty, surcharge, or
1 18 court cost is deemed delinquent as provided in section
1 19 602.8107, subsection 3, and the person's driver's
1 20 license has been suspended pursuant to section
1 21 321.210A, the person may execute an installment
1 22 agreement with the county attorney or the county
1 23 attorney's designee to pay the delinquent amount and
1 24 the fee assessed in subsection 5 in installments.
1 25 Prior to execution of the installment agreement, the
1 26 person shall provide the county attorney or the county
1 27 attorney's designee with a financial statement in
1 28 order for the parties to the agreement to determine
1 29 the amount of the installment payments.
1 30 2. Upon execution of an installment agreement and
1 31 after the first installment payment, the county
1 32 attorney or the county attorney's designee shall send
1 33 the executed installment agreement to the department.
1 34 3. Upon receipt of an executed installment
1 35 agreement and upon payment of the reinstatement fee as
1 36 provided in section 321.191, the department shall
1 37 immediately reinstate the driver's license of the
1 38 person unless the driver's license of the person is
1 39 otherwise suspended, revoked, denied, or barred under
1 40 another provision of law.
1 41 4. If a driver's license is reinstated upon
1 42 receipt of an executed installment agreement the
1 43 driver shall provide proof of financial responsibility
1 44 pursuant to section 321A.17, if otherwise required by
1 45 law.
1 46 5. The civil penalty, if assessed pursuant to
1 47 section 321.218A, shall be added to the amount owing
1 48 under the installment agreement. The county attorney
1 49 or the county attorney's designee shall transmit to
1 50 the department, from the first funds collected, an
2 1 amount equal to the amount of any civil penalty
2 2 assessed and added to the installment agreement. The
2 3 department shall transmit the funds received from the
2 4 county attorney or county attorney's designee pursuant
2 5 to this subsection to the treasurer of state for
2 6 deposit in the juvenile detention home fund created in
2 7 section 232.142.
2 8 6. The county attorney, or the county attorney's
2 9 designee, shall report any default to the department.
2 10 7. Upon receipt of a report of a default in the
2 11 making of any installment agreement payment, the
2 12 department shall suspend the driver's license of a
2 13 person as provided in section 321.210A. For purposes
2 14 of suspension and reinstatement of the driver's
2 15 license of a person in default, the suspension and any
2 16 subsequent reinstatement shall be considered a
2 17 suspension pursuant to section 321.210A.
2 18 8. If a new fine, penalty, surcharge, or court
2 19 cost is imposed on a person after the person has
2 20 executed an installment agreement with the county
2 21 attorney or the county attorney's designee, and the
2 22 new fine, penalty, surcharge, or court cost is deemed
2 23 delinquent as provided in section 602.8107, subsection
2 24 3, and the person's driver's license has been

2 25 suspended pursuant to section 321.210A, the person may
2 26 enter into a second installment agreement with the
2 27 county attorney or county attorney's designee to pay
2 28 the delinquent amount and the fee, if assessed, in
2 29 subsection 5 in installments.
2 30 9. If the person is in default in making the
2 31 installment agreement payment covering a particular
2 32 fine, penalty, surcharge, or court cost, that
2 33 particular fine, penalty, surcharge, or court cost
2 34 shall not become part of any new installment
2 35 agreement.
2 36 10. Each county attorney shall develop and
2 37 implement an installment agreement program pursuant to
2 38 this section, which may include using a designee as
2 39 defined in section 331.756, subsection 5. A person
2 40 shall execute an installment agreement in the county
2 41 where the fine, penalty, surcharge, or court cost was
2 42 imposed. A person is only eligible to enter into five
2 43 installment agreements in the person's lifetime.
2 44 11. Except for the civil penalty if assessed and
2 45 collected pursuant to subsection 5, any amount
2 46 collected under the installment agreement shall be
2 47 kept in an interest bearing account by the county
2 48 attorney or the county attorney's designee, and be
2 49 distributed as provided in section 602.8107,
2 50 subsection 4.

3 1 Sec. 3. Section 321.210C, Code 2007, is amended to
3 2 read as follows:
3 3 321.210C PROBATION PERIOD.
3 4 A person whose driver's license or operating
3 5 privileges have been suspended, revoked, or barred
3 6 under this chapter for a conviction of a moving
3 7 traffic violation, or suspended, revoked, or barred
3 8 under section 321.205 or section 321.210, subsection
3 9 1, paragraph "e", or chapter 321J, must satisfactorily
3 10 complete a twelve-month probation period beginning
3 11 immediately after the end of the period of suspension,
3 12 revocation, or bar. Upon a second conviction of a
3 13 moving traffic violation which occurred during the
3 14 probation period, the department may suspend the
3 15 driver's license or operating privileges for an
3 16 additional period equal in duration to the original
3 17 period of suspension, revocation, or bar, or for one
3 18 year, whichever is the shorter period. For purposes
3 19 of determining a conviction under this section, the
3 20 department shall not consider the first two speeding
3 21 violations within the probation period that are ten
3 22 miles per hour or less over the legal speed limit in
3 23 speed zones having a legal speed limit between
3 24 thirty-four miles per hour and fifty-six miles per
3 25 hour.

3 26 Sec. 4. Section 321.215, subsection 1, Code 2007,
3 27 is amended by adding the following new paragraph:
3 28 NEW PARAGRAPH. f. The person's appointments with
3 29 the person's parole or probation officer.
3 30 Sec. 5. Section 321.218A, Code 2007, is amended to
3 31 read as follows:
3 32 321.218A CIVIL PENALTY == DISPOSITION ==
3 33 REINSTATEMENT.
3 34 When the department suspends, revokes, or bars a
3 35 person's driver's license or nonresident operating
3 36 privilege for a conviction under this chapter, the
3 37 department shall assess the person a civil penalty of
3 38 two hundred dollars. However, for persons age
3 39 nineteen or under, the civil penalty assessed shall be
3 40 fifty dollars. The civil penalty does not apply to a
3 41 suspension issued for a violation of section 321.180B.
3 42 The money collected by the department under this
3 43 section shall be transmitted to the treasurer of state
3 44 who shall deposit the money in the juvenile detention
3 45 home fund created in section 232.142. A Except as
3 46 provided in section 321.210B, a temporary restricted
3 47 license shall not be issued or a driver's license or
3 48 nonresident operating privilege reinstated until the
3 49 civil penalty has been paid.

4 1 Sec. 6. Section 321J.20, subsection 1, unnumbered
4 2 paragraph 1, Code 2007, is amended to read as follows:
4 3 The department may, on application, issue a
4 4 temporary restricted license to a person whose
4 5 noncommercial driver's license is revoked under this
4 6 chapter allowing the person to drive to and from the

4 6 person's home and specified places at specified times
4 7 which can be verified by the department and which are
4 8 required by the person's full-time or part-time
4 9 employment, continuing health care or the continuing
4 10 health care of another who is dependent upon the
4 11 person, continuing education while enrolled in an
4 12 educational institution on a part-time or full-time
4 13 basis and while pursuing a course of study leading to
4 14 a diploma, degree, or other certification of
4 15 successful educational completion, substance abuse
4 16 treatment, ~~and court-ordered community service~~
4 17 ~~responsibilities, and appointments with the person's~~
4 18 ~~parole or probation officer~~ if the person's driver's
4 19 license has not been revoked previously under section
4 20 321J.4, 321J.9, or 321J.12 and if any of the following
4 21 apply:

4 22 Sec. 7. Section 331.756, subsection 5, Code 2007,
4 23 is amended to read as follows:

4 24 5. Enforce all forfeited bonds and recognizances
4 25 and prosecute all proceedings necessary for the
4 26 recovery of debts, revenues, moneys, fines, penalties,
4 27 restitution of court-appointed attorney fees ordered
4 28 pursuant to section 815.9, including the expense of a
4 29 public defender, and forfeitures accruing to the
4 30 state, the county or a road district in the county,
4 31 and all suits in the county against public service
4 32 corporations which are brought in the name of the
4 33 state. To assist in this duty, the county attorney
4 34 may procure ~~professional collection services provided~~
4 35 ~~by persons or organizations, including private~~
4 36 ~~attorneys, which are generally considered to have~~
4 37 ~~knowledge and special abilities which are not~~
4 38 ~~generally available to state or local government or~~
4 39 ~~may designate another county official or agency a~~
4 40 ~~designee~~ to assist with collection efforts.

4 41 b. If the ~~designee~~ is a professional collection
4 42 ~~services are procured agency~~, the county attorney
4 43 shall file with the clerk of the district court an
4 44 indication of the satisfaction of each obligation to
4 45 the full extent of all moneys collected in
4 46 satisfaction of that obligation, including all fees
4 47 and compensation retained by the ~~collection service~~
4 48 ~~designee~~ incident to the collection and not paid into
4 49 the office of the clerk.

4 50 c. Before a county attorney designates another
5 1 county official or agency to assist with collection of
5 2 debts, revenues, moneys, fines, penalties, restitution
5 3 of court-appointed attorney fees ordered pursuant to
5 4 section 815.9, including the expense of a public
5 5 defender, and forfeitures, the board of supervisors of
5 6 the county must approve the designation.

5 7 d. All fines, penalties, court costs, fees, and
5 8 restitution for court-appointed attorney fees ordered
5 9 pursuant to section 815.9, including the expenses of a
5 10 public defender which are delinquent as defined in
5 11 section 602.8107 may be collected by the county
5 12 attorney or the ~~person procured or designated by the~~
5 13 ~~county attorney~~ county attorney's designee. The
5 14 county attorney or the county attorney's designee may
5 15 collect delinquent obligations under an installment
5 16 agreement pursuant to section 321.210B.

5 17 e. In order to receive a percentage of the amounts
5 18 collected pursuant to section 602.8107, the county
5 19 attorney must file annually with the clerk of the
5 20 district court on or before July 1 a notice of full
5 21 commitment to collect delinquent obligations and must
5 22 file on the first day of each month a list of the
5 23 cases in which the county attorney or the ~~person~~
5 24 ~~procured or designated by the county attorney~~ county
5 25 attorney's designee is pursuing the collection of
5 26 delinquent obligations. The list shall include a list
5 27 of cases where delinquent obligations are being
5 28 collected under an installment agreement pursuant to
5 29 section 321.210B, and a list of cases in default which
5 30 are no longer being collected under an installment
5 31 agreement but remain delinquent. The annual notice
5 32 shall contain a list of procedures which will be
5 33 initiated by the county attorney. Amounts collected
5 34 by the county attorney or the ~~person procured or~~
5 35 ~~designated by the county attorney~~ county attorney's
5 36 designee shall be distributed in accordance with

5 37 section 602.8107.
5 38 f. As used in this subsection, "designee" means a
5 39 professional collection services agency operated by a
5 40 person or organization, including a private attorney,
5 41 that is generally considered to have knowledge and
5 42 special abilities not generally possessed by the
5 43 state, a local government, or another county official
5 44 or agency.

5 45 Sec. 8. Section 602.8105, subsection 2, paragraph
5 46 e, Code 2007, is amended to read as follows:

5 47 e. For filing a praecipe to issue execution under
5 48 chapter 626, twenty-five dollars. The fee shall be
5 49 recoverable by the creditor against whom the execution
5 50 is issued. A fee payable by a political subdivision
6 1 of the state under this paragraph shall be collected
6 2 by the clerk of the district court as provided in
6 3 section 602.8109. However, the clerk shall not
6 4 collect the fee from a political subdivision of the
6 5 state engaged in the collection of a delinquent
6 6 obligation owed the state pursuant to section
6 7 331.756.>

6 8 #2. Page 2, by inserting after line 6 the
6 9 following:

6 10 <Sec. _____. Section 602.8107, subsection 6,
6 11 unnumbered paragraph 1, Code 2007, is amended to read
6 12 as follows:

6 13 If a county attorney does not file the notice and
6 14 list of cases required in section 331.756, subsection
6 15 5, including the list of installment agreements under
6 16 section 321.210B, the judicial branch may assign cases
6 17 to the centralized collection unit of the department
6 18 of revenue or its designee to collect debts owed to
6 19 the clerk of the district court. In addition, an
6 20 installment agreement in default that remains
6 21 delinquent may also be assigned to the centralized
6 22 collection unit of the department of revenue or its
6 23 designee.>

6 24 #3. Page 3, by inserting after line 32 the
6 25 following:

6 26 <Sec. _____. INSTALLMENT AGREEMENT == COOPERATION.
6 27 It is the intent of the general assembly that the
6 28 judicial branch, the department of transportation, the
6 29 department of workforce development, county attorneys,
6 30 and other state and local agencies cooperate in the
6 31 collection of delinquent court fines, penalties,
6 32 surcharges, and court costs by coordinating efforts in
6 33 the collection of installment agreement payments under
6 34 section 321.210B.>

6 35 #4. Title page, line 1, by inserting after the
6 36 word <procedures> the following: <and the issuance of
6 37 a driver's license or temporary restricted license>.

6 38 #5. Title page, line 2, by inserting after the
6 39 word <including> the following: <collection of a
6 40 delinquent obligation and reinstatement of a driver's
6 41 license, and>.

6 42 #6. By renumbering as necessary.

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